

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| BRAUN GmbH,          | ) |                                  |
|                      | ) |                                  |
| Plaintiff,           | ) |                                  |
|                      | ) |                                  |
| v.                   | ) | Civil Action No. 03-CV-12428-WGY |
|                      | ) |                                  |
| RAYOVAC CORPORATION, | ) |                                  |
|                      | ) |                                  |
| Defendant.           | ) |                                  |

**RAYOVAC CORPORATION'S MOTION TO COMPEL DISCOVERY**

Pursuant to Federal Rule of Civil Procedure 37(a), Defendant Rayovac Corporation ("Rayovac") hereby moves this Court for an Order compelling Plaintiff Braun GmbH ("Braun") to provide discovery. As explained in greater detail in the Memorandum of Law that has been submitted in support of this motion, Braun has provided incomplete and evasive responses to discovery, and has been uncooperative in scheduling depositions.

WHEREFORE, Rayovac respectfully requests that this Court enter an order compelling Braun to:

1. Supplement its infringement contentions, as required by the Scheduling Order and Interrogatory No. 1, to specifically tie the claim elements of the patents-in-suit to specific structures in Rayovac's devices;
2. Respond to Interrogatory No. 6;
3. Respond to Interrogatory No. 19;
4. Supplement its response to Interrogatory No. 17;
5. Supplement its response to Interrogatory No. 18;
6. Provide deposition dates for Jurgen Hoser, Norbert Smetana, and Braun's 30(b)(6) designee(s) in Boston between now and April 25, 2005; and

7. Identify by Bates number (or location on Braun's Privilege Log) the documents Braun obtained from Fish & Richardson.

DATED: March 30, 2005

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Attorneys for Defendant  
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**CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1**

I, Kevin S. Ueland, hereby certify that I made a good faith attempt to meet and confer about the subject matter of the present motion with opposing counsel, but the parties were unable to reach agreement.

Respectfully Submitted,

/s/ Kevin Ueland